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No. 82-1582

IN THE SUPREME COURT OF THE UNITED STATES

October Term, 1983
No. _____.

BOYD VEENKANT, per se,
Petitioner,

- vs-

ROBERT W. GURN, et al.,
Respondents.

PETITION FOR A WRIT OF CERTIORARI
To the Supreme Court of the United States
* * Oral Argument Requested * *
from
U.S. Court of Appeals, Sixth Circuit

BOYD VEENKANT, per se,
P.O. BOX 115
ALLEGAN, Mi. 49010-0115
(616) 673-4400

THOMAS E.S. TIDERINGTON,
GEORGE H. WELLER,
KIRBY J. GOODWIN,

Of Counsel

QUESTIONS PRESENDED

Were under 28 § 1343. Civil rights and elective franchise (a)The district courts shall have original jurisdiction of any civil action authorized by law to be commenced by any person:

(1) To recover damages for injury to his person or property, or because of t-he deprivation of any right or privile-ge of a citizen of the United States, by any act done in furtherance of any con-spiracy mentioned in section 1985 of T-itle 42;

(2) To recover damages from any per-son who fails to prevent or aid in pre-venting any wrongs mentioned in section 1986 of Title 42 which he had knowledge were about to occur and power to preve-nt;

(3) To redress the deprivation, un-der color of any State law, statute,

ordinance, regulation, custom or usage, of any right, privilege or immunity secured by the Constitution of the United States or by any Act of Congress providing for equal rights of citizes or of all persons within the jurisidiction of the United States;

(4) To recover damages or to secure equitable or other relief under any Act of Congress providing for the protection of civil rights.

Were this petitioner is falsely arrested with intent and charged with driving a car he does not own or driving such a car. Michigan law does not permit a police officer to "making of a false document with intent to defraud", being forgery. The Michigan law requires at preliminary examination, the Prosecutor must establish two things: (1) That the crime with which the defendant

has been charged was in fact committed and that there is reasonable cause to believe that defendant committed that crime. Further states, the arresting officer did not appear at this preliminary examination, as defendant has right of cross-examination and confrontation. (NOTICE-did not appear to prove anything)

Further states, this defendat at preliminary examination gave a "notice" of a fact, to the Public Prosecutor, Antkoviak, this this defendant did stop for the stop sign for which the traffic citation was issued for.

Here is a question put to the arresting officer Gurns, by the defendant in Court under oath.

Q- Then how far did I (being Defendant) travel down Cutler Street before I stooped at the end of Cutler Street?

A- I said approimately 2 --to 300 yards

One city block.

This stop sign in question is at the east end of Cutler Street, therefore if this Defendant traveled one block before stopping at the end of Cutler Street, then he stopped for this stop sign for which the traffic citation was issue for.

Therefore, Defendant was "Malicious prosecution or action; Civil Liability, penalty. Being a Mi. statute, as well as the filing of a forgery document, being a Michigan statute.

Further states, where trial Judge Beach slanders this Defendant before the criminal jury, this was a reversible erro. But this was removed from the transcript. Michigan statutes make it a crime to tamper with evidence already received by the court-C.L.1970, § 750.491(removing, etc. public records"); C.L.

1970,§750,388 ("removing property seized by legal process"). Mi. statutes, recognize the common law crime of obstruction of justice. And the act of suppressing evidence has long been recognized as falling within this common law offense (see Perkins, Criminal Law, 499-500 (2nd ed., 1969)). Further states, the Mi. Rules of Evidence. Rule 601 Governing Law. The rules of evidence governing proceedings in Michigan courts are the Michigan Rules of Evidence (MRE). Rule 603 Testimony at Former Trial as Evidence. When testimony, given on a former trial of the same cause or in other proceeding, is admissible in evidence, a transcript of such testimony, certified by the court stenographer who took the same, shall be deemed prima facie evidence thereof. Therefore this answer by Officer Gurns,shall be deemed prima

facie evidence thereof.

Further states, all named Defendants named in this Court case are "Law enforcement officer" under Fed. Civil Rights Act, Public Law 90-284 "Sec.245,"(5)"(c). Nothing in this section shall be construed so as to deter any law enforcement officer from lawfully carrying out the duties of his office; and etc., for lawfully carrying out the duties of his office or lawfully enforcing ordinances and laws of the United States, any of the several States, or any political subdivision of a States, or any political subdivision of a State. All named Defendants fall within 28 § 1343. Civil Rights Act's and covering this "Malicious prosecution or action; Civil Liability, penalty, against this Petitioner.

Parties to the proceeding

Petitioner Boyd Veenkant,& the Respondents.

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People v. Threlkeld (1973) 209 N.W. 2d 852, 47 Mich. App. 69.

People v. Van Alstine , 57 Mich. 69, 23 N.W. 594 (1885).

People v. Wilson (1969) 174 N.W. 2d 914, 21 Mich. App. 36.

People v. Wimberly(1970) 179 N.W. 2d 6 23, 384 Mich. 62.

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Athena Muller,M.A., LL.B., J.D., LL.M.
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_____?_____, Mich. 58. Vol. 22--iiii, 16,17,30.

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1983

No.

BOYD VEENKANT, per se

Petitioner,

VS.

ROBERT W. GURN, CITY OF ALLEGAN, PETTER II ANTKOIAK, R. TOOD LIMING, HARRY A. BEACH, GEORGE R. CORSI GLIA,

Respondents.

PETITION FOR A WRIT OF CERTIORARI TO THE SUPREME COURT OF THE UNITED STATES.

from

United States Court of Appeals, Sixth Circuit.

The Petitioner, Boyd Veenkant, per se, respectfully pray that a writ of certiorari issue to review the Opinion and Order of the United States

Court of Appeals, Sixth Circuit intered, in this proceeding on May 3, 1983.

OPINION BELOW.

This Court finds it misapprehended no questions of law or fact in its order entered March 28, 1983

It is, therefore, ORDERED that the motion for reconsidereation be and it hereby is, denied.

JURISDICTION.

The order of the Court of Appeals for the Sixth Circuit by Horace W. Gilore, U.S. District Judge for the Eastern District of Michigan, sitting by designation and with Circuit Judges Kenny and Jones, was entered on May 3, 1983, after the Defendants had defaulted by FRCP Rule 55. After failing to plead or otherwise defend as provided by these rules and that fact is made to appear

by affidavit or otherwise, the clerk shall enter his default. (1) By the Clerk. When the plaintiff's claim against a defendant is for a sum certain or for a sum which can by computation be made certain, the clerk upon request of the plaintiff and upon affidavit of the amount due shall enter judgment for that amount and costs against the defendant, if he has been defaulted for failure to appear and if he is not an infant or incompetent person. Yes, the Defendants failed to plead or otherwise and Plaintiff-Appellant filed his Affidavit for Judgment by Default, Claim for a sum certain, on February 28, 1983. That the first Opinion and Order was dated March 28, 1983 and the second Order was dated May 3, 1983.

This Court Clerk shall have enter a default for failer of the Defendants to

have failed to plead or otherwise defend as provided by these rules and that fact is made to appear by affidavit or otherwise, the clerk shall enter his default.

This Court's jurisdiction is invoked under 28 U.S.C., Section 1254 (1),(2). Under (2) the State statute was "Malicious prosecution or action; Civil liability, penalty. The filing of a fraudulent traffic citation by forgey. The Officer admitted this Petitioner did stop at the stop sign in question, being Michigan Rule of Evidence , Rule 601 and 603. It is also cover by Michigan stautes making it a crime to tamper with evidence already received by the court (C.L. 1970, Sec. 750.491 or Sec. 750.3-88) for removing from the public records, a part of the transcript. Also being cover by "Obstruction of Justice"

STATUTORY PROVISIONS INVOLVED

MICHIGAN statutes:

1- Forgery, in drafting a dradulent traffic citation with intent.

2- Michigan statutes make it a crime to tamper with evidence already received by the court (see C.L. 1970, Sectior 750.491 ("mutilating, removing, etc. public records"); C.L. 1970, Section 750, 388 ("removing property seized by legal process")).

3- Michigan statute for 'Obstruction of justice'.

4- And the act of suppressing evidence has long been recognized as falling within this common law offense (see Perkins, Crimal Law, 499-500 (2nd ed., 1969)).

5-Sec.255.Common Law. 'BRIBERY', is the illegal giving or receiving of any-

thing of value with the intent to corruptly influence the receiver's official action.

Bribes- may also be offered to secure protection against protection for an offence previously committed or protection from prosecution for a contemplated or continuing offense:

FEDERAL statutes:

U.S. Code, Title 42, Section 1983.

U.S. Code, Title 42, Section 1985(3)

U.S. Code, Title 42, Section 1986

U,S. Code, Title 42, Section 1988

U.S. Criminal Code,Title 18,Section241

U.S.Criminal Code, Title 18,Sec. 242

U.S. Code,Title 28,Section 2072

Public Law 90-284 "§245 Federally protected activities "(c) "Law enforcement officer."

STATEMENT OF THE CASE.

Petitioner left his home, which is one block west of the stop sign in question on Cutler and Chestnut and drove east on Cutler Street and stopped his new Fiesta car as the car manual refered to do, to save waring out the small brakes on the small car, so I,Boyd Veenkant tried it out , as he had not taken the car out of first gear. The car came to a stop right beside of the stop sign.

Petitioner points out, becouse of the way the corner is layed out, in making a lefthand turn like this Petitioner did, one has to travel some 50 feet futher before turning left, were if one turned right, he could make his right - hand turn much sooner. Yes, this Petitioner saw the Police officers car setting one block west of were he entered

Cutler Street, so this placed the police officer two blocks away of were this Petitioner stopped beside of this stop sign in question. Further states, at the corner of Water Street and Locust Street, which is about two hundred feet southeast of were Cutler Street ends at Water Street were this stop sign in question is on Cutler street, there stopped a car for that stop sign and it had a number of people within the car, knowned as "Res gestae witnesses", that saw that I did stop at this stop sign in question.

Further states, after making my left hand turn and had travel about one hundred feet north on Water Street, this Petitioner heard car tires more then squealing and this Petitioner looked back accross the corner and back on Cutler Street and about ahalf way between Chestnut and Water Streets, on Cut-

ler Street, was the car the police officer was driving,slideing first one way sideways and then the otherway side ways trying to get the car slowed down in order to turn the corner left, onto Water Street and would be heading north on Water.

This Petitioner had pulled into the south end of the gas station , to walk to the office to pay a gasoline bill, which would of been about 150 feet north of the corner at Cutler street. That this Petitioner had got out of his car and had walked around the front of his car and headed for the gas station office, when this police officer pulled his car directly up to the back of this Petitioners and called for this Petitioner to come to the police car. The Police officer stated you did not stop at this stop sign on Cutler Street and

stated he was issuing this Petitioner a traffic citation for not stoppingat this Cutler Street stop sign. This Petitioner gave this Police officer a "notice"of fact, that he did stop for this stop sign, but the police officer stated, give to me your driver's license and car registration card, which I did. Petitioner stated, I am going to pay for the gasoline I just minutes before purchased and at the time did not have sufficient funds to pay for and went and paid the bill and when this Petitioner came back, the police offer handed this Petitioner his traffic citation which stated, failed to stop for stop sign on Cutler Street,

NOTICE- This Police Officer was issued this Petitioners car 's registration card as demanded and he had itfor some time. But when this Petitioner returned to his home, checked the traff-

ic citation out, this Petitioner was charged with driving a 1972 Ford car and failed to stop for the stop sign on Cutler Street. Petitioner states, he did not own such a car or was he driving such a car. But instead driving a 1978 Fiesta, being a sub-compact car.

This traffic citation is covered by, forgery is defined at the common law to be the"making of a false document with intent to defraud." People v. Van Alstine, 57 Mich. 69, 23 N.W. 594 (1885). Michigan has long had statutory coverage of forgery. The primary criminal code sections cover forgery of records and other instruments (C.L. 1970, Section 750.248).

" The offense of forgery is complete when a person falsely makes any writing enumerated (sic) in the statute, with intent to deceive, in a manner which ex-

poses another to loss." Id at 393.

The Civil Rights Act, VI amendment. In all criminal prosecution, which districts shall have been previouly ascertained by law.

False arrest: Unlawful arrest is nothing more than assault and battery against which person sought to be restrained may defend himself as he would against any other unlawful intrustion upon his person or liberty. People v. Eisenberg (1976) 249 N.W. 2d 313, 72 Mich. App. 106.

At, "preliminary examination" is not a judicial inquiry in which guilty or innocence of accused is finally determined, but an inquiry to ascertain whether crime charged has been commited, and, if so, whether there is reasonable grounds to believe accused committed it. People v. Maire (1972 201 N.W 2d 318,

42 Mich. App. 32.

In Michigan, preliminary procedures are intended primarily to prevent accused persons from being tried unless there is probable cause to believe that a crime has been committed and that defendant has committed it and they are intended to prevent unnecessary trials. U.S. ex rel. Burgess v. Johnson (D.C. 1971 323 F.Supp. 72.

At preliminary examination, defendant has rights of cross-examination and confrontation. People v. Martin(1970) 176 N.W. 2d 470, 21 Mich. App. 667.

NOTICE: Police Officer did not appear at the preliminary procedure to give defendant his rights of cross-examination and confrontation. Therefore this defendants Civil Rights to Due process was violated at preliminary examination.

Purpose of broad discovery is to pro-

mote fullest possible presentation of facts, minimize opportunities for falsification of evidence, and eliminate of vestiges of trial by combat. People v. Wimberly (1970) 179 N.W. 2d 623,384 Mich. 62. NOTICE:This is why the police officer did not appear, for to falsification of evidence.

Petitioner at preliminary examination under "Torts" 19.1201-(25)- A person has "notice" of a fact when. B- he has received a notice or notification of it.

At this preliminary examination, this Petitioner gave a "notice" of a fact, that this Petitioner did stop at this stop sign in question and that he does not own a 1972 Ford car or was this Petitioner driving a 1972 Ford car, for which the traffic citation was drafted for.

Petitioner has copied from the Court case transcript a question put to Police

Officer Gurn's under oath on the witness stand.

Q. Then how far did I (being Petitioner) travel down Cutler Street before I stopped at the end of Cutler Street?

A. How far did you travel on Cutler Street?

Q. Yes.

A. I said approximately 2 -- to 300 yards. One city block.

Petitioner applies to police Officer Gurn's answer given above. "Michigan Evidence Rule 601. Governing Law. The rules of evidence governing proceedings in the Michigan courts are the Michigan Rules of Evidence (MRE). Petitioner applies also Mi. Rule 603. Testimony at Former Trial as Evidence. Whenever testimony, given on a former trial of the same cause or in other proceeding, is admissible in evidence, a transcript of

such testimony, certified by the court stenographer who took the same, shall be deemed prima facie evidence thereof.

HONORABLE SUPREME COURT, the trial Judge, the Public Prosecutor, the criminal Jury, set right there in Court and heard Police Officer Gurn's give this answer, to this Q.Then how far did I (being Petitioner) travel down Cutler Street before I stopped at the end of Cutler Street? The Answer was- One city block. To Police Officer Gurn's answer, Petitioner applies under "Torts" 1-9.1201-(25)- A person has "notice" of a fact when. A- he has actual knowledge of it; or B-he has received a notice or notification of it; or C- from all the facts and circumstances known to him at the time in question he has reason to know that it exists. Therefore the trial Judge, the Public Prosecutor, the cr-

iminal jury, all were given a "notice" of a fact, that this Petitioner stopped at the stop sign for which Police Officer Gurn's charged this Petitioner for not stopping for. Further states, this is proof that Police officer Gurn's signed a false document and being this traffic citation he drafted and issued to this Petitioner, with intent to defraud. Also proves under 27A.2907, a Malicious prosecution or action; Civil liability, penalty, court case was carried out against Boyd Veenkant.

To the traffic citation issued to this Petitioner, that he was driving a 1972 Ford, Petitioner applies Mi. Rules of Evidence -Rule 604 Admissions in Pleadings. Any statement of fact set forth in any pleading shall be treated as an admission by the pleader and need not be proved by the opposite party.

Forgery is defined at the common law to be the "making of a false document with intent to defraud." When Petitioner was driving a subpack 1978 Fiesta .

Once a claim of illegal confrontatio -n is raised prior to or during trial. evdentiary hearing must be held to determine merits of claim. People v. Reese (1970) 184 N.W. 2d 511, 28 Mich. App.555

Yes, Petitioner raised this illegal confrontation at"preliminary examination" and during trial, but the court did not hold a evdentiary hearing.

It is just as necessary to protect interest of People in convicting guilty as it is to protect accused from false accusation. People v. Redman (1969) 170 N.W. 2d 254, 17 Mich. App. 610.

The State has duty to endorse upon the information and to produce all res gestae witnesses. People v. Threlkeld

(1973) 209 N.W. 2d 852, 47 Mich. App. 69

NOTICE: Yes, there were res gestae witnesses, but if the State of Michigan had endorsed res gestae witnesses, the Court, the State of Michigan, couldn't of carried out the conspiracy to, malicious prosecute this Petitioner .

If criminal case is being tried before criminal jury, judge must be especially careful that his questions or comments do not indicate partially; his questions may not be intimidating, argumentative, prejudicial, unfair or partial and should not constaute an invasion of the prosecutor's role. People v. Smith (App. 1975) 235 N.W. 2d 754.

Where trial judge during trial repeatly disciplined counsel, often before jury----Defendant was deprived of right to fair and impartial trial. People v. Wilson (1969) 174 N.W. 2d 914, 21

Mich. App. 36.

Petitioner states, the jury found this Petitioner guilty for not stopping at the stop sign as charged, the Trial Judge handed down a Judgment against this Petitioner. That Petitioner appealed the Court's discission and the District Court set a bond at $250.00 that this Petitioner had to put up. That this Petitioner ordered a full copy of this Court case transcript and paid for it in full.

After paying for the transcript and it was issued, this Petitioner checked the "CERTIFICATE" and it stated--

I, Jeanne M. Tagg, Official Court Recorder for the 57th District Court, State of Michigan, do hereby certify that the forgoing pages 1 through 40, inclusive, comprise a true and correct transcript of the proceedings and the testim-

ony of the jury trial taken in the matter of the People of the State of Michigan versus Boyd Veenkant, File No. Ot 783 -0805, on Wednesday, 2/7/1979.

NOTICE: While Boyd Veenkant was preparing his appeal to the Circuit Court , this Petitioner found on page 29 of the transcript it states--(At this time 6 minutes 26 seconds of the record were not recorded due to malfunction of the recording equipment.) Then on page 31 it states --(At this time 6 seconds of the record were not recorded due to malfunction of the recording equipment)

Your Honor, both removed parts of this transcript is when trial Judge was disciplined this Petitioner before the jury----Defendant was deprived of right to fair and impartial trial. This is also a reversible error. Id.

Petitioner applies to the two remo-

ved parts of the transcript as foolow.

Michigan statutes make it a crime to tamper with evidence already received by the court (see C.L. 1970, Section 750.491 ("mutilating, removing, etc. public records"); C.L. 1970, Section 750.388 (" removing property seized by legal process"!).

Michigan statute, recognizes the common law crime of obstruction of justice (see People v. Coleman, 350 Mich. 268, 86 N.W. 2d 281 (1957); People v. Boyd, 174 Mich. 321, 140 N.W. 475 (1913).

And the act of suppressing evidence has long been recognized as falling within this common law offense (see Perkins , Criminal Law, 499-500 (2nd ed.,1969)

This Petitioner filed a Motion for a New Trial due to Fraud in the 57th District Court. It was held on 2nd day od April 1979. Here is the ORDER.

At a session of said Court, held in the County Building, in the City of Allegan, County of Allegan, Mich, this 2nd day of April 1979.

This matter having come forth for a hearing on Defendant's Motion for a New Trial is denied to the fact that no evidence of fraud during the trial was presented to this Court.

Harry A. Beach
Harry A. Beach, District Judge

NOTICE; Petitioner refers to whom it mite concern, back to page 16 and the answer given by Police Officer Gurns, to this question. Then how far did I(being Petitioner) travel down Cutler Street before I stopped at the end of Cutler Street? The answer- "One city block."

If this doesn't prove "fraud" coverin-g this traffic citation issued by Police Officer Gurns, what does?

Trial judge was not only justified but obligated to obtain an accurate verdict. People v. Grasty (1970) 174 N.W. 2d 860, 21 Mich. App. 106.

Petitioner appealed his Court case to the Circuit Court, and by Motion asked for a new trial and covered by GC R Rule 527(9). On any ground warranting a new trial, specified in sub-rule 528.3. Being Newly Discovered Evidence; Fraud; etc. On Motion and upon such terms as are just, the court may relieve a party from a final judgment for the following reasons: (3) fraud (whether heretofore denominated intrinsic or extrinsic), misrepresentation, or other misconduct of an adverse party.

NOTICE- This Court did not relieve this Petitioner of the 'fraud' carried out.

It is a matter of right that a

defendant have a proper record made of the exact offence of which he has been convicted. People v. Holliday (1972) 205 N.W. 2d 93, 44 Mich. App. 210.

If prosecutor believes conviction will not stand upon appeal becouse of reversible errors during the trial, prosecution should confess error to trial judge, rather than failing to file brief on appeal. People v. Cabello (1977) 253 N.W. 2d 363, 74 Mich. App. 78.

NOTICE: This was not done.

Court of Appeals must protect defendant's constitutional rights as part of its power to control administration of justice where trial attorney has failed to do so. People v. Pitts (1972) 199 N.W. 2d 271, 40 Mich. App. 567.

It is prosecutor's duty, as well as court's, to see to it that defendant

receives a fair trial. People v. Farrar (1971) 193 N.W. 2d 363, 36 Mich. App.294.

Prosecution is duty-bound to produce all res gestae witnesses. Devlin v. Kaplanis (1972) 204 N.W. 2d 543, 43 Mich. App. 519.

NOTICE: This the Public Prosecutor did not due. Why? The Court, the prosecutor and the Police Officer, then couldn't of carried out the conspiracy that was carried out, beside the 'Aiding and Abetting' perjury that took place.

Further states, the Court of Appeals Judge did not allow the Motion by this Petitioner for a new trial.

The Public Prosecutor and being R. Todd Liming, drafted up this DOCUMENT & sent it by U.S. Mail to get this Petition to sign it.

STATE OF MICHIGAN

IN THE CIRCUIT CT. FOR THE CO. OF ALLEGAN

THE PEOPLE OF THE STATE OF MICHIGAN

Plaintiff/Appellee

VS. Hon. G.R. CORSIGLIA
F.No. 79-6330 AR

BOYD ALBERT VEENKANT, LC No. 0T 783-0805A

Defendant/Appellant,

STIPULATION TO VACATE CONVICTION AND REMAND FOR NEW TRIAL

NOW COME THE Defendant, BOYD ALBERT VEENKANT, in pro per, and the Plaintiff, by R.TODD LIMING, Assistant City Attorney for the City of Allegan, who stipulate and agree that becouse of the inability to provide the Defendant with a complete transcript of the District Court in this case:

1) that the jury verdict of guilty and the District Court's entry of said judgment shall be vacated,

2) that this case shall be remanded to the District Court for a new trial by jury of the alleged traffic offense, and

3) that the appeal bond and all fines assessed pursuant to the District Court conviction shall be returned to the Defendant.

Dated:_____

_____
BOYD ALBERT VEENKANT
In Pro Per
203 Cutler St.
Allegan, Michigan 49010
Phone: 673-4400

Honorable Court,'this is 'bribery;

Bribery-is the illegal giving or receiving of anything of value with the intent to corruptly influence the receiver's official action. Bribes may also be offered to secure protection against protection for an offence previously Committed or protection from prosecution for a contemplated or continuing offense:

Honorable Court, this is admitting to, that crime did take place and are securing protection from prosecution

, by trying to bribe Defendant, Boyd Veenkant by getting him to sign the above copied document, to give him a new trial by "VACATE" the crime that was carried out, by making it all 'void' and this Petitioner refused to be bribed.

Honorable Court, when this Petitioner refused to be bribed, to get a new trial. Then the 57th District Court of Allegan,Michigan forwarded a check to this Petitioner, Boyd Veenkant in the amount of $220.00, hopping Boyd Veenkant would sign it, but Boyd Veenkant returned it at once. Then the 57th District Court returned the check a second time and again it was returned at once.

Honorable Supreme Court, again this is bribery by the 57th District Court to make "void" the crime carried out against this Petitioner, and this Petitioner refused to be bribed.

Petitioner then took his Civil rights case , commenced in a State court and being a criminal prosecution and removed it by this Defendant and Petitioner to the U.S. District Court, for the Western District of Michigan, which is under 28 § 1343. Civil rights cases.

Petitioner applied to this Complaint the following. Civil Rights Acts, this covers Michigan and Federal statutes; "Malicious prosecution"; USC 42, Section's, 1983 and 1986, which fall under Civil Rights Acts and there are many more. This was filed on or about March 26,1981.

Petitioner at the hearing called, applied the 5th amendment to the Federal Constitution covering his Court Complaint, as this petitioner wanted to prove the crime that took place in the State Courts, charging this Petitioner

guilty of doing something he was not guility off, by carring out a "Malicious prosecution or action; Civil liability, penalty against this Petitioner.

The 5th amendment states- nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

This Petitioner applied the 14th Amendment to the Federal Constitution to this Court case Complaint, and it states . -- All persons born in the U.S., and subject to the jurisdiction thereof,are citizens of the U.S.'s and of the State werein they reside.(being Michigan) No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the U.Ss; nor

shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

Honorable Supreme Court, this is why this Petitioner applied his 5th and 14th amendment to the Federal Constitution, becouse this Petitioner had been denied his Constitutional Rights and was asking this U.S. District Court to allow 'Due process of law' to be carried out and therefore allow this Petitioner to prove the crime carried out in the State of Michigan Courts against this Petitioner. But the U.S. District Court and by U.S. District Court, by Benjamin F. Gibson, denied this Petituoner his Constitutional Rights, in dening this Petitioner "Due process of law", so this Petitioner could not prove the crime

that was carried out in and by the State of Michigan Judges, Public Prosecutors, ,City of Allegan and one of it's Police Officer's. In carring out with intent a "Malicious prosecution or action; Civil liability, penalty, against this Petitioner, Boyd Veenkant.

This Petitioner appealed the U.S. District Court's 'OPINION and ORDER" to the U.S. Court of Appeals, Sixth Circuit and they to denied this Petitioner his Constitutional Rights, to prove the crime and etc., committed in the State of Michigan, Court system and used the U.S. District Court's 'OPINION and ORDER' to base their 'OPINION and ORDER" on, to dismiss the Court case on.

" A claim under the civil rights act expressly gives the District Court Jurisdiction, no matter how imperfectly the claim is stated." Harmon v. Su-

perior Ct of the State of California, 307 F 2d 796, CA 9 (1962).

Under USC 42 § 1983 the meaning of "PERSON" 56 L Ed 895 ANNOTATION - SUPREME COURTS VIEWS AS TO MEANING OF TERM " PERSON", AS USED IN STATUTORY OR CONSTITUTIONAL PROVISION, BY Athena Mueller, M.A., LL.B., J.D., LL.M. I.Prefatory Matters. Petitioner states, every named Defendant named and filed in this Petitioners Complaint, filed with the U.S. District Court, can be named as a "PERSON" under USC 42 § 1983.

Further states, a public servant commits the crime of official misconduct in the first degree if, with intent to obtain a pecuniary benefit or to cause harm to another, he does any of the following:

(a) Knowingly commits an act relating to his office but constituting an unau-

-thorized exercise of his official functions. (b) Knowingly refrains from performing a duty imposed upon him by law or by the nature of his office. (c) Knowingly violates any statute or lawfully adopted rule relating to his office. C.L.1970 ,Section 750.478.

Federal statute is, U.S. Code, Title 42, Sections 1983; 1985(3); 1986;1988; U.S. Criminal Code,Title 18, Sections 241 and 242. Also Public Law 90-284 Sec. 101(a) "§ 245. Federally protected activities. "(c) "Law enforcement officers.

Petitioner further states, U.S. District Court Judge Benjamin F. Gibson, U.S. District Judge Horace W. Gilmore, and Circuit Judges Kenny and Jones, under Public Law 90-284 "(245.Federall protected activities and under "(c) have refused to carry out the duties of his

office; and etc.

Further states, every Defendant named has knowledge of the crimes that took place or committed, and had the power to prevent it, but refuses so to do... shall be liable. Also the Judges just above, also refused to take action covering the crime involved in this Court case.

This Petitioner, Boyd Veenkant believe the time has come for this Court to enunciate a clear and definitive ruling and or actions covering the 'malicious prosecution or action; Civil liability, penalty.

Then having the knowledge of the crime committed throughout this Court case, which has been refered to herein, and having power to take action,open's up a serious question.

For these reasons, a writ of certiorari should issue to review the

opinion and order of the Six Circuit, but review the Opinion and order of the U.S District Court, under U.S.Code,Title 42, Section 1988, having jurisdiction in criminal matters conferred on the district court by the provisions of this chapter and Title 18, for the protection of this Petitioner in his civil rights, and for their vindication, shall be exercised and enforced..in the trial and disposition of the cause,and , if it is of a criminal nature, in the infliction of punishment on the party found guilty.

Respectfully submitted,

Boyd Veenkant per se

Boyd Veenkant
P.O. BOX 115
Allegan,Michigan 49010-0115
(616) 673-4400

Thomas E.S.Tiderington
Kirby j. Goodwin
George H. Weller
Of Counsel

REASONS FOR GRANTING THE WRIT

1. This Petitioner's Civil rights has been violated under 28 § 1343.

2.This Petitioner was issued a traffic citation , knowingly and with initent to falsely have him charged with something he was not guility off and so charged with driving a car this Petitioner did not own or was he driving such a car

3. This Petitioner at preliminary examination gave "notice" of a fact, that he did stop at the stop sign and the arresting officer never appeared to prove anything.

4. This Petitioner was with intent "Malicious prosecuted, Civil liability ,penalty."and in so doing, carried out a conspiracy in order to so do.

5.This Petitioner was sold a transcript with the insulting statements by the trial Judge before a criminal jury,

having been removed from the public record,which is "Obstruction of Justice" and the "act of suppressing evifence".

6. This Petitioner did stop for the stop sign in question and it was claimed under oath by the arresting officer in Court, being deemed prima facie evidence thereof.

7. This Petitioners, State of Michigan statutes were violated by the named Respondents.

8. This Petitioners Federal statutes were violated by all the named Respondents.

9.All named Respondents are "Law enforcement officers", and having power to prevent the commission of the same, refused so to do... shall be liable.

10. All named Respondents fall within the "meaning of PERSON" under 56 L Ed 2d 895 ANNOTATION, Supreme Court's

views as to meaning of term "PERSON", as used in Statutory or Constitutional provision. by Athena Mueller, M.A., LL.B., J.D., LL.M.

11. This Petitioners civil rights case came under the jurisdiction of the U.S. District Court by Judge Gibson, but he to as a "Law enforcement Officer", joined the conspiracy being carried out against this Petitioner, joined the conspiracy and instead of hearing the case, dismissed it instead by a Opinion and order, and even admitted it was a "Malicious prosecution".

12. The U.S. Court of Appeals, Sixth circuit, joined the conspiracy being carried out against the Petitioner and quoted Court cases that did not applied to this Court case, covering the meaning of "PERSON" ,as used in Statutory or Constitutional provisions.

This Petitioner believe the time has come for this Court to enunciate a clear and definitive ruling on the subject matter, that this Petitioner has done no wrong and so admitted by the arresting Police Officer Gurn's. That all named Respondents have acted under color of State of Michigan statutes, subjected or caused to be subjected, this Petitioner and being a United States citizen to the deprivation of his rights, privileges, or immunities secured by the Constitution and laws, shall be liable to this Petitioner in an action at law, and, if it is of a criminal nature, in the infliction of punishment on the party found guilty.

Respectfully submitted,

Boyd Veenkant per se

Boyd Veenkant
P.O. BOX 115
Allegan, Mi. 49010-0115
673-4400
per se

A

In the

United States District Court

For The Western District of Michigan

No.K81-62 CA

BOYD VEENKANT, (per se)

Plaintiff,

V.

ROBERT GURN, et al.,

Defendants.

Removed from a State court by 28 § 1343. Civil rights case by defendant covering a criminal case in Allegan,Mi. to U.S. District Ct.in Western Mi. No. OT 783-0805-Harry A.Beach, Judge.
And from Circuit Ct. No.79-6330 AR-George R.Corsiglia, Judge.

Submitted March 26,1981-Opinion Aug.2, 1982

Before Benjamin F. Gibson,U.S.Dis.Jud.

OPINION

These three cases filed by plaintiff, pro se, involve numerous claims that defendants have violated his civil rights In addition he seeks redress for violations of state law and his self-styled "Bill of Rights Covering this Court Case." Jurisdiction is presumably based upon 28 U.S.C. § 1343; the substantive basis for each case being some combination of 42 U.S.C. §§ 1983, 1985 and/or 1986. After hearing motions to dismiss or for summary judgment filed by virtually all of the defendants, the Court has, sua sponte, consolidated these matters solely for the purpose of this opinion. Prior to a discussion of the legal issues, a review of the salient facts of each case is in order.

This case (hereinafter "No.62") originated with a traffic ticket issued to plaintiff by defendant Officer Gurn in September, 1978. The violation was failure to stop at a sign. Plaintiff was convicted after a jury trial and then pursued an appeal. Defendant Judge Beach presided at the trial, defendant Judge Corsiglia was assigned to the appeal and defendants Liming and Antkoviak were the the prosecutors. Prior to the decison on appeal, the prosecutor indicated his willingness to remand for a new trial due to some malfunction of the recording equipment which resulted in deletion of some portions of the trial transcript. Apparently believing that the prosecutor's offer to remand constituted some form of bribery, plaintiff refused to sign the stipulation.

Plaintiff's ultimate inability to demonstrate prejudice from the deletion and lack of any other error resulted in affirmance of his conviction. Steadfastly contending that he did, in fact, stop at the sign plaintiff filed this action for damages. In addition to alleged violations of § 1983 and § 1986, the case sounds in "tort" and malicious prosecution.

ORDER

At a session of the Court held in District and Division in the City of Grand Rapids, Michigan, this 2nd day of August, 1982.

PRESENT: HONORABLE BENJAMIN F.GIBSON,
DISTRICT JUDGE

In accordance with the attached Opinion dated August 2, 1982, IT IS HEREBY ORDERED that the above-entitled

case is dismissed in its entirety.

IT IS SO ORDERED.

BENJAMIN F. GIBSON
United States District Judge

I hereby certify that the foregoing is a true copy of the orignal on file in this ~~unreadable~~ ?

~~unreadable~~ ?

By M.Ferriess (unreadable)

Date Aug -3 1982

B

No. 82-1582

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

FILED
3/28/1983

JOHN P.HEHMAN
CLERK

BOYD VEENKANT,

Plaintiff-Appellant,

v.

ORDER

ROBERT GURN(CITY OF ALLEGA POLICY OFFICER); CITY OF ALLEGAN, Mr. PETER ANTKOVIAK II(PUBLIC PROSECUTOR FOR CITY OF ALLEGAN); TODD LIMING (PUBLIC PROSECUTOR FOR THE CITY OF ALLEGAN); HARRY A. BEACH (ALLEGAN COUNTY DISTRICT COURT JUDGE);GEORGE R. CORSIGLIA(ALLEGAN COUNTY CIRCUIT COURT JUDGE),

Defendants-Appellees.

_____/

BEFORE: KENNEDY and JONES, CIRCUIT JUdges; and GILMORE,District judge*

This appeal has been referred to a panel of the Court pursuant to Rule 9 (a), Rules of the Sixth Corcuit. After examination of the record and briefs, this panel agrees unanimously that oral

argument is not needed. Rule 34(a), Federal Rules of Appellate Procedure.

Plaintiff appeals the district court order entered August 2, 1982, dismissing his civil rights complaint filed pursuant to 42 U.S.C. § 1983. Having carefully examined the district court record and the briefs of both parties, this Court concludes the district court did not err in its disposition of this case. Judges and prosecutors acting within the scope of their official duties may not be held liable for damages under § 1983. See Stump v. Sparkman, 435 U.S. 349 (1978); Imbler v. Pachtman, 424 U.S. 409, 430-31 (1976). Witnesses, including police officers, do not act under color of law when they testify at a judicial proceeding and, thus, are not liable for damages under § 1983 for the testimony given. See Meyers v. Bull,

599 F. 2d 863, 865-66 (8th Cir.), cert. denied, 444 U.S. 901 (1979). Finally, a municipality canot be held liable under § 1983 solely on a respondeat superior theory. See Monell v. City of New York, 436 U.S. 658 (1978).

Accordingly, for the foregoing reasons, and for the reasons stated in the district court memorandum entered August 2, 1982, the order of the district court is hereby affirmed. Rule 9(d) (2) Rules of the Sixth Circuit.

ENTERED BY ORDER OF THE CT.

John P. Hehman/dk
Clerk

REMARK- "The Bill of Rights was provided as a BARRIER, to protect the individual against arbitrary exactions of majorities, courts, prosecutors, and it is the primary distinction between democratic & totalitarian process." STANDLER-Supreme Court of Florida en banc, 36 so 2d 443, 445 (1948)

C

No. 82-1582

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

FILED
MAY 3,1983
John P.HEHMAN,
Clerk

BOYD VEENKANT,

Plaintiff-Appellant,

v.

ROBERT GURN(CITY OF ALLEGAN POLICE OFFICER);CITY OF ALLEGAN, MR.PETER ANTKOIAK II (PUBLIC PROSECUTOR FOR CITY OF ALLEGAN); TODD LIMING(PUBLIC PROSECUTOR FOR THE CITY OF ALLEGAN); HARRY A. BEACH(ALLEGAN COUNTY DISTRICT COURT JUDGE);GEORGE R. CORSIGLIA(ALLEGAN COUNTY CIRCUIT COURT JUDGE),

Defendants-Appellees.

ORDER

BEFORE: KENNY and JONES,Circuit judges ; and GILMORE, District Judge*

Upon consideration of plaintiff's motion for reconsideration which was filed on April 6,1983, and having carefully reexamined the record,

C-58

This Court finds it misapprehended no question of law or fact in its order entered March 28,1983

It is, therefore, ORDERED that the motion for reconsideration be and it hereby is, denided.

ENTERED BY ORDER OF THE COURT

JOHN P. HEHMAN/ss
Clerk

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*The Honorable Horace W. Gilmore, U. S. District Judge for the Eastern District of Michigan, sitting by designation.